

Introduced by Senator Cogdill

February 26, 2009

An act to add Section 7026.13 to the Business and Professions Code, relating to contractors.

LEGISLATIVE COUNSEL'S DIGEST

SB 405, as amended, Cogdill. Contractors: fire sprinkler installation.

The Contractors' State License Law provides for the licensing and regulation of contractors by the Contractors' State License Board, and authorizes the board to institute disciplinary actions for a violation thereof. Existing law provides for ~~special~~ *specialty* classifications within the contracting business, including the C-16 fire protection classification. Existing law prohibits a general contractor from contracting for any project that includes a C-16 fire protection classification unless he or she holds that license classification or subcontracts with an appropriately licensed contractor.

This bill would, on and after January 1, 2011, ~~require every contractor licensed by the state as a Class C-16 fire protection contractor to employ at least one fire sprinkler supervisor for the purpose of supervising fire sprinkler installation on any project undertaken by the contractor that requires that installation. The bill would set forth the qualification for employment as a fire sprinkler supervisor: any commercial or residential fire sprinkler installation project performed by a Class C-16 fire protection contractor to be under the direct and immediate supervision, as defined, of a commercial fire sprinkler supervisor, as defined, or a residential fire sprinkler supervisor, as defined.~~ The bill would also, on and after January 1, 2011, require ~~those fire protection~~ contractors

to implement a fire sprinkler installation training program for ~~his or her~~ employees who are involved with the installation of fire sprinkler systems ~~their sprinkler fitters, as defined, and supervisors~~, with specified exemptions. ~~The bill would also require a contractor to file, as specified, a description of this training program with the State Fire Marshal.~~ The bill would require a contractor, upon request by state or local fire authorities, to show proof ~~of employee that the contractor's sprinkler fitters and supervisors have received~~ training, and would provide that a violation of these provisions by a contractor is grounds for disciplinary action.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7026.13 is added to the Business and
- 2 Professions Code, to read:
- 3 ~~7026.13. (a) Every contractor licensed by the state as a Class~~
- 4 ~~C-16 fire protection contractor shall employ at least one fire~~
- 5 ~~sprinkler supervisor for the purpose of supervising fire sprinkler~~
- 6 ~~installation on any project undertaken by the contractor that~~
- 7 ~~requires that installation. In order to be qualified as a fire sprinkler~~
- 8 ~~supervisor, the employee shall have at least one of the following:~~
- 9 ~~(1) A journeyman certification from a state or federal apprentice~~
- 10 ~~training program or other state or federal training program for the~~
- 11 ~~trade of fire sprinkler fitting.~~
- 12 ~~(2) Verifiable work experience of at least 7,000 hours of~~
- 13 ~~commercial fire sprinkler installations and passage of any~~
- 14 ~~examination offered pursuant to a program described in subdivision~~
- 15 ~~(b), (c), or (d).~~
- 16 ~~(3) Verifiable work experience of at least 4,000 hours of~~
- 17 ~~residential fire sprinkler installations and passage of any~~
- 18 ~~examination offered pursuant to a program described in subdivision~~
- 19 ~~(b), (c), or (d).~~
- 20 ~~(4) Possession of a Class C-16 fire protection contractor license.~~
- 21 ~~7026.13. (a) The following definitions shall apply for the~~
- 22 ~~purposes of this section:~~
- 23 ~~(1) "Direct and immediate supervision" means to be physically~~
- 24 ~~on the project site while supervising others.~~

1 (2) “Sprinkler fitter” means a person, other than an apprentice
2 as defined in Section 3077 of the Labor Code or tradesperson,
3 who performs work on a fire sprinkler system.

4 (3) “Tradesperson” means a person employed by a fire
5 protection contractor to assist a sprinkler fitter or an apprentice
6 as defined in Section 3077 of the Labor Code with the installation
7 of a fire sprinkler system.

8 (4) “Residential system” means a fire sprinkler system subject
9 to the NFPA 13D Standard for the Sprinkler Systems in One- and
10 Two-Family Dwellings, Townhomes and Manufactured Homes as
11 published by the National Fire Protection Association.

12 (5) “Commercial fire sprinkler supervisor” means any of the
13 following:

14 (A) A person holding a journey worker certification from a state
15 or federal apprentice training program or other state or federal
16 training program of not less than 7,000 hours for the trade of fire
17 sprinkler fitting.

18 (B) A person with verifiable work experience of at least 7,000
19 hours of fire sprinkler installations and passage of any examination
20 offered pursuant to a program described in subdivision (d), (e),
21 or (f).

22 (C) A person named on a Class C-16 fire protection contractor
23 license.

24 (6) “Residential fire sprinkler supervisor” means any of the
25 following:

26 (A) A person holding a journey worker certification from a state
27 or federal apprentice training program or other state or federal
28 training program of not less than 4,000 hours for the trade of fire
29 sprinkler fitting.

30 (B) A person with verifiable work experience of at least 4,000
31 hours of residential system fire sprinkler installations and passage
32 of any examination offered pursuant to a program described in
33 subdivision (d), (e), or (f).

34 (C) A person named on a Class C-16 fire protection contractor
35 license.

36 (7) “Fire protection contractor” means a contractor licensed
37 by the state as a Class C-16 fire protection contractor as defined
38 in Section 832.16 of Title 16 of the California Code of Regulations.

39 (b) Any commercial fire sprinkler installation project performed
40 by a fire protection contractor pursuant to Section 7026.12 shall

1 *be under the direct and immediate supervision of a commercial*
2 *fire sprinkler supervisor.*

3 *(c) Any residential system fire sprinkler installation project*
4 *performed by a fire protection contractor pursuant to Section*
5 *7026.12 shall be under the direct and immediate supervision of a*
6 *commercial fire sprinkler supervisor or a residential fire sprinkler*
7 *supervisor.*

8 ~~(b) Every contractor licensed by the state as a Class C-16 fire~~

9 *(d) Every fire protection contractor shall implement and*
10 *maintain a fire sprinkler installation training program, and shall*
11 *ensure that every—employee sprinkler fitter and supervisor*
12 *described in (a) and employed by the contractor—not described*
13 ~~*under subdivision (a) who installs fire protection systems on*~~
14 ~~*projects undertaken by the contractor attends and passes a training*~~
15 *program and examination. The structure of the training program*
16 *shall consist of, at a minimum, all of the following:*

17 *(1) Identification of the entity, organization, or person*
18 *responsible for implementing the training program.*

19 *(2) The employer's system for identifying the necessary skills*
20 *for the installation of fire protection systems in accordance with*
21 *all applicable standards for the installation in residential,*
22 *commercial, and industrial environments.*

23 *(3) An objective basis for the measurement of the knowledge*
24 *and skill level associated with the installation of fire protection*
25 *systems.*

26 ~~*(4) The minimum hours of instruction and on-the-job training*~~
27 ~~*needed to comply with this subdivision, as determined by the*~~
28 ~~*employer in accordance with industry standards or regulations, if*~~
29 ~~*adopted by the board.*~~

30 *(4) Notwithstanding paragraph (4), for a commercial fire*
31 *sprinkler fitter, training shall be at least 7,000 hours of combined*
32 *classroom and on-the-job training.*

33 *(5) Notwithstanding paragraph (d), for a residential fire*
34 *sprinkler fitter, training shall be at least 4,000 hours of combined*
35 *classroom and on-the-job training.*

36 ~~*(e) Notwithstanding subdivision (b), any employee who has*~~

37 *(e) Notwithstanding subdivision (d), any sprinkler fitter or*
38 *supervisor described in subdivision (a) who has passed any state*
39 *approved or federally approved apprenticeship training program*
40 *in fire sprinkler installation, or other similar program of a*

1 recognized or accredited school for vocational training, is deemed
2 to have satisfied the training requirements of that subdivision.

3 ~~(d) Notwithstanding subdivision (b), any employee who is~~
4 *(f) Notwithstanding subdivision (d), any sprinkler fitter who is*
5 currently enrolled in, or who has successfully graduated from, an
6 apprenticeship or training program in fire sprinkler fitting approved
7 by any state or the United States Department of Labor is deemed
8 to have satisfied the training requirements of ~~subdivision (b) that~~
9 *subdivision*

10 *(g) Every fire protection contractor shall file electronically or*
11 *on paper a description of his or her training program with the*
12 *State Fire Marshal.*

13 ~~(e)~~
14 *(h) Upon request by a state or local fire authority having*
15 *jurisdiction over a contractor's jobsite, the contractor shall verify*
16 *that his or her onsite employees sprinkler fitters and supervisors*
17 *described in (a) who are involved with fire sprinkler installations*
18 *are trained pursuant to the requirements set forth in subdivision*
19 *(a) or (b) (d), (e), or (f).*

20 ~~(f)~~
21 *(i) This section shall have uniform force and effect throughout*
22 *the state. A city, county, or city and county may not enact an order,*
23 *ordinance, rule, or regulation requiring a person or organization*
24 *to obtain a certificate of registration or license from the city or*
25 *county or city and county for fire sprinkler installation.*

26 ~~(g)~~
27 *(j) This section does not apply to any of the following:*

28 *(1) A person or organization that only sells or supplies products*
29 *or materials to a contractor.*

30 *(2) The installation or servicing of special agent fire suppression*
31 *systems installed in compliance with the National Fire Protection*
32 *Association's standards for the installation of those fire suppression*
33 *systems.*

34 *(3) Inspection activities conducted as part of an insurance or*
35 *engineering survey.*

36 *(4) Inspection activities performed by a government official as*
37 *part of code enforcement activities.*

38 *(5) Routine observation of the condition of fire sprinkler*
39 *equipment by the maintenance staff of an owner or tenant,*
40 *excluding mandatory five-year tests and certifications.*

1 ~~(h)~~
2 (k) Nothing in this section shall be deemed to limit or restrict
3 the practice of engineering by licensed or certified professional
4 engineers.

5 ~~(i)~~
6 (l) Violations of this section shall constitute additional grounds
7 for disciplinary proceedings pursuant to Article 7 (commencing
8 with Section 7090), including suspension or revocation of the
9 license of a ~~Class C-16~~ fire protection contractor.

10 ~~(j)~~
11 (m) This section shall become operative on January 1, 2011.

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14 CORRECTIONS:

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